

SM EXHIBIT DN

1 A. SCHOOLCRAFT
2 Exhibit K for identification. Could you
3 take a look at that document, please.

4 You reviewed it? Thanks.

5 MR. KRETZ: For the record it's
6 Bates stamped SM-1 through SM-4.

7 Q. Is that right?

8 A. Yes.

9 Q. Does any of your handwriting
10 appear anywhere on any of the pages of that
11 exhibit?

12 A. No.

13 Q. Does your name appear anywhere
14 on the exhibit?

15 A. Yes. On SM-3, reporting
16 investigating MOS name.

17 Q. Do you recall the incident that
18 is reflected in these documents?

19 A. Not off the top of my head
20 right now, no.

21 Q. Looking at the
22 computer-generated complaint form. Do you
23 recognize that document, starting at SM-2?

24 A. It doesn't look familiar. I
25 don't --

1 A. SCHOOLCRAFT

2 Q. You don't normally --

3 A. I don't recall seeing this,
4 this electronic document.

5 Q. Okay.

6 A. (Continuing) But I see it now.

7 Q. You have no recollection of the
8 particular incident involved?

9 A. No. I see the report date,
10 10/26/2009 and the report, the actual
11 complaint report number 2009-081-06831.

12 Q. You have no recollection of the
13 arrest that's -- of the complaint that's
14 reflected in those documents?

15 A. I do not. I see her name. I
16 see the complainant's name and I see the
17 story, and I do not remember that actual
18 event.

19 MR. KRETZ: For the record, my
20 understanding is that this is a
21 complaint that was initially entered
22 by you as a lost property complaint
23 and then upon review by QAD they
24 determined it should have been
25 entered as a grand larceny 4. Have

1 A. SCHOOLCRAFT

2 you ever learned of that?

3 MR. SMITH: Objection to the
4 characterization.

5 MR. KRETZ: Just for the
6 record.

7 MR. SMITH: Objection to the
8 characterization of the document.

9 A. When you say inter, what do you
10 mean.

11 Q. I'm sorry.

12 A. When you say inter, what do you
13 mean?

14 Q. Inter?

15 A. It looks here complaint report
16 entered by PAA candidate. I believe you
17 referred to me as entering the document.

18 Q. It indicates on the form that
19 you were the reporting investigating member
20 of the service?

21 A. And I would have filled out a
22 scratch handwritten copy which does not
23 appear to be here which would support what
24 I reported to QAD, that the -- what police
25 officer reported on scratch copies were not

1 A. SCHOOLCRAFT

2 getting into the computer-generated copies.

3 Q. Do you know that that happened
4 in this case?

5 A. I don't know. It appeared to.
6 I read the victim's story and then I read
7 the story that is here, and I look at the
8 date. This was after the QAD meeting.
9 That seemed kind of silly and I don't see
10 any reason why I would not put what she
11 told me.

12 Q. Do you have the scratch copy of
13 the complaint report for this incident?

14 A. I don't believe I do, but I
15 believe the vest -- it should -- it should
16 be -- it should -- the Police Department
17 should have it.

18 Q. Of course. But at the time
19 that this occurred, was it your custom to
20 copy the scratch reports that you prepared,
21 the complaints?

22 A. Not all of them, but -- if I
23 have it I'm not aware of it. But, again,
24 the copy machine was not the copy machine
25 that was there when -- during the

1 A. SCHOOLCRAFT
2 inspection. That looked like a nice
3 brand-new copy machine. It didn't appear
4 to be the one. That one there broke down a
5 lot and I don't know if I had access to the
6 one in the back, so that could be a reason
7 why I didn't make a copy, but I would -- I
8 would want to compare this to the scratch
9 copy.

10 Q. Okay. Perhaps you can search
11 to see if you have it and we can do the
12 same. But as we sit here today, you don't
13 know whether you recorded this as a lost
14 property complaint as opposed to a grand
15 larceny complaint?

16 A. I don't recall, no.

17 Q. Directing your attention to
18 what's been marked Defendant's Exhibit L
19 for identification. I ask you to review
20 that document.

21 MR. SMITH: This is VM-5
22 through 8.

23 MR. KRETZ: I'm sorry, VM-5
24 through 8, yes.

25 Q. Does your handwriting appear on

1 A. SCHOOLCRAFT

2 any of those documents in that exhibit?

3 A. No, but like on the other one,
4 reporting investigator -- reporting
5 investigating MOS name is Officer
6 Schoolcraft.

7 Q. So, is it fair to say -- well,
8 do you recall this particular instance
9 debt?

10 A. Can I just say the report
11 number?

12 Q. Sure.

13 A. Complaint report number
14 2009-081-03281. I'm sorry. What was the
15 question?

16 Q. Do you recall the incident
17 that's reflected in this exhibit?

18 A. I'm looking for her name. This
19 sounds like a typical call for service. I
20 don't recall the specific incident, and
21 again, I don't see the scratch copy. It
22 appears to be -- and let me point out
23 something. I don't know if I reported it
24 out to QAD. I haven't heard the recording
25 in a while so I haven't reviewed. This is

1 A. SCHOOLCRAFT

2 a walk in. I believe at this time I had
3 been modified, restricted, and this why I
4 would have been -- this makes sense that I
5 took this report.

6 Q. You were serving as the
7 telephone switchboard operator in the 81 at
8 the time?

9 A. I'm assuming that's what was my
10 duty at the time.

11 Q. Okay.

12 A. This -- I would have -- an
13 officer taking a burglary report inside the
14 precinct, they would have -- they would
15 have said I couldn't do that, any
16 supervisor. I don't know who the
17 supervisor was that day.

18 Q. I appreciate what you've had to
19 say about things that went on, but I need
20 to know what you recall about this
21 particular incident. Okay?

22 A. About this particular incident.

23 Q. Yes.

24 A. I do not have any memory of it,
25 of only these documents.

1 A. SCHOOLCRAFT

2 Q. I understand. Based on what's
3 presented to you right now, you don't
4 recall the incident?

5 A. Correct.

6 Q. Okay.

7 A. But I just want -- we noted
8 that the scratch copy isn't with this one.

9 Q. Yes, you did. In fact, on the
10 front it says the scratch copy is not
11 required. That doesn't mean it doesn't
12 exist though, right? Do you know if you
13 would have a copy of the scratch copy of
14 the original report?

15 A. I don't know why it would say
16 scratch copy not required, why they would
17 not, because that's what I alleged that
18 would be -- the entered -- let me just --
19 because it's confusing for me to explain it
20 without explaining.

21 Q. Let's do it question by
22 question and then if I don't get it covered
23 well enough, you can tell me what I need to
24 know. I was pointing out to you on the
25 first page the quality assurance complaint

1 A. SCHOOLCRAFT
2 report misclassification cover sheet
3 there's a box that said scratch copy not
4 required and that's checked off. So that
5 just may explain why it's not attached to
6 this document, okay. But, do you have any
7 recollection of preparing the scratch copy
8 of this complaint?

9 A. Not sitting here now, no.

10 Q. And at the time of this
11 particular complaint or on the date of this
12 particular complaint, which appears to be
13 May 27 of 2009, do you agree?

14 A. Which one?

15 Q. On the same exhibit?

16 A. I'm reading 5/30/2009. 30,
17 May, 2009. That's how I read it. Are we
18 still on L?

19 Q. Yes.

20 MR. BRADY: Did we get the
21 Bates stamp for that on the record.

22 MR. SMITH: SM 006 is the page.

23 MR. KRETZ: The exhibit is 5
24 through 8.

25 Q. It doesn't matter. The

1 A. SCHOOLCRAFT
2 occurrence is from May 27 through May 30,
3 reported May 30. At that time, was it your
4 custom or habit to copy scratch reports
5 that you prepared?

6 MR. SMITH: Objection to form.

7 A. As much as possible.

8 Q. Can you search whatever records
9 you have to see if you have a copy of the
10 scratch report that relates to this
11 complaint?

12 MR. SMITH: You don't have to
13 answer that. You can address that
14 request to me in writing and I'll
15 deal with it at the appropriate time
16 in the appropriate manner.

17 MR. KRETZ: Appreciate it.

18 Q. Do you have what you believe to
19 be copies of complaint reports that you
20 copied in May of 2009?

21 A. I don't -- I don't, no.

22 (Attorney-client discussion off
23 the record.

24 THE WITNESS: That's what I'm
25 thinking.

1 A. SCHOOLCRAFT

2 Q. I'm sorry. What are you
3 thinking?

4 A. That these were copies that
5 were possibly in my locker. This would
6 have been the time -- the time frame and
7 that's where I kept copies of the originals
8 that I turned in.

9 Q. Do you believe you would have
10 had the scratch copy with the originals of
11 this document in your locker?

12 A. Not with the original. The
13 original would be turned in.

14 Q. Okay. So what would be in your
15 locker again?

16 A. The copy that I made of the
17 original.

18 Q. I see. So, would you have with
19 the copy that you made of the original,
20 also a copy of the scratch copy of this
21 complaint report?

22 MR. SMITH: I don't understand
23 that question at all.

24 Q. Well, scratch copy is really an
25 original document?

1 A. SCHOOLCRAFT

2 A. You're looking at this. This
3 is after it's entered into the computer.

4 Q. Right.

5 MR. SMITH: This is referring
6 to --

7 A. This has nothing to do with me
8 as a patrolman. Even after I was
9 modified --

10 Q. You said you would have the
11 original of something?

12 MR. SMITH: Wait. This, the
13 witness was referring to.

14 MR. BRADY: Page two of Exhibit
15 L.

16 MR. SMITH: Page two of Exhibit
17 L, which is SM-6. Just slow it down.
18 I know everybody wants to get out of
19 here. Let's just slow it down and
20 keep our record clean, please.

21 Q. You're referring to the
22 computer-generated complaint form that's
23 part of that exhibit, is that right, page
24 SM-6?

25 A. Correct. This was generated by

1 A. SCHOOLCRAFT

2 a computer and assigned a complaint number.

3 Q. What is it that you had in your
4 locker that relates to this complaint?

5 MR. SMITH: Objection to the
6 form.

7 You can answer.

8 A. It would be the scratch that I
9 made, the original -- not the -- I am
10 sorry. Maybe that's the -- the scratch, a
11 copy of the scratch -- a copy of the
12 original scratch 61 that I filled out when
13 I interviewed the victim.

14 Q. So what I was asking you is, I
15 was asking you would you have had a copy of
16 the scratch copy in your locker, is that
17 what you were telling me, in effect?

18 A. That's what we were just
19 discussing. That's what I believe.

20 Q. All right.

21 A. Because the time here is so
22 close to October 31, 2009, it's possible
23 that that's where that scratch was.

24 Q. So you believe that it's
25 possible that you had a copy of the scratch

1 A. SCHOOLCRAFT

2 copy of a May 2009 complaint report in your
3 locker still as of October 31 of 2009?

4 A. Correct.

5 Q. How many scratch -- copies of
6 scratch copies did you have in your locker
7 as of October 31, 2009?

8 A. Maybe a stack about that high
9 on the top shelf (indicating).

10 MR. KRETZ: For the record that
11 appears to be about three inches
12 thick.

13 MR. SMITH: I'd say four, but
14 it doesn't really matter. Three or
15 four inches.

16 A. It -- I would say at least a
17 couple dozen.

18 Q. All right. And the ones,
19 whatever the number was and whatever
20 complaint reports they might have been, if
21 they were in your locker on October 31,
22 what happened to them after October 31 as
23 far as you know?

24 A. I don't know.

25 Q. So, did you have any other

1 A. SCHOOLCRAFT

2 copies of those complaint reports that
3 would have been in your locker on October
4 31?

5 A. If I do.

6 Q. Anywhere else?

7 A. If I do I'm not aware of,
8 but --

9 Q. When you went to QAD, did you
10 provide them with copies of any of the
11 complaint reports or scratch copies of
12 complaint reports you had in your locker?

13 A. Whatever I provided to them, I
14 believe it was on the record on the
15 recording. I don't -- I don't know if it
16 was this one because I would not be aware
17 of a change until -- I would see something
18 like this.

19 Q. By "this" you mean?

20 A. The computer, the entered
21 version after it receives the number.

22 Q. They refer to that as the Omni
23 form printout?

24 A. I believe that's arrest
25 paperwork. Well, I think Omni form is the

1 A. SCHOOLCRAFT

2 system that they're entered into.

3 Q. So it's generated from that
4 program. Okay.

5 My understanding is if this
6 helps you, that this is one of the
7 complaint report incidents referred to by
8 QAD in its report. Okay? So, if that is
9 so, would that be an indication that you
10 had provided them whatever documentation
11 you had about that complaint?

12 A. Well, my complaint resulted in
13 their investigation. I don't know if I
14 took -- um, this specific complaint, if I
15 was aware of it, it would have been -- if I
16 was aware of a change it would have been a
17 great example to give them.

18 Q. You don't remember now as we
19 sit here today whether that was an example
20 that you complained about to QAD?

21 A. The name doesn't look familiar.
22 I don't believe it was. I believe there
23 are ten or 15 documents I gave them.

24 Q. All right. Going back. To the
25 extent that you had copies of complaint

1 A. SCHOOLCRAFT

2 reports or copies of scratch copies of
3 complaint reports in your locker as of the
4 date you went to QAD, would you have pulled
5 those copies from your locker and shown
6 them to QAD, or not?

7 MR. SMITH: Objection to the
8 form.

9 A. I am sorry, say that again.

10 Q. You had copies in your locker
11 of complaint reports or of scratch copies
12 of complaint reports perhaps going back as
13 far as May of 2009 as of October of 2009,
14 is that what you said to us?

15 A. What are you claiming that I
16 said? The dates are just --

17 Q. That particular complaint
18 report relates to May of '09.

19 A. Right.

20 Q. And you said it may have
21 been -- your copy of the scratch copy of
22 that complaint may have been in your locker
23 in October of 2009.

24 A. Correct. I believe it was.

25 Q. Okay. And my question to you

1 A. SCHOOLCRAFT

2 then was, would you have shown or raised
3 that complaint report to QAD when you went
4 to see them in October of 2009?

5 A. If I was --

6 MR. SMITH: Objection to form.

7 A. If I was aware of the
8 difference between -- I believe there's a
9 difference between the scratch and this
10 computer-generated version, if I was aware
11 of that it definitely would have been a
12 candidate, but I -- to take to QAD.

13 Q. Right. Did you pull everything
14 from your locker to review in order to
15 determine what to show to QAD when you went
16 to see them?

17 MR. SMITH: Objection to form.

18 A. I probably reviewed them.

19 Q. Was it custom to look at the
20 computer-generated printouts of the
21 complaint reports to see how they compared
22 with what had initially be reported?

23 A. It was -- I believe you needed
24 a code or a password into the computer. I
25 did not have that. But that would have

1 A. SCHOOLCRAFT

2 been something I'd want -- that was an idea
3 I always tried to accomplish, but I don't
4 know if I retrieved the --

5 Q. That particular complaint?

6 A. I remember on one, Timothy
7 Covell did, after being told about it, I
8 asked the civilian in the back to track it
9 down and she gave me a copy of his report.
10 I remember that one, having that electronic
11 report and not the scratch one.

12 C-O-V-E-L-L, to the best of my
13 memory.

14 MR. SMITH: It's up.

15 MR. LENOIR: It's next.

16 Q. Did you access the computer
17 system to review the finalized complaint
18 reports by any means other than having your
19 own personal access code?

20 MR. SMITH: Objection to the
21 form. He didn't say he had a
22 personal access code.

23 A. Correct. I didn't.

24 Q. Meaning he didn't have one so
25 did he do it by some other ones?

1 A. SCHOOLCRAFT

2 MR. SMITH: Other than what he
3 just said, asking a civilian to get
4 it.

5 Q. Did you access them in any
6 other?

7 MR. SMITH: Other than what
8 he's already said.

9 Q. Other than asking somebody to
10 use their access code for them to get
11 access, did you ever access the information
12 on the computer using somebody else's
13 access code?

14 A. Not that I remember, no. I
15 didn't have anyone else's access code.

16 Q. Did you ever get to a computer
17 that had already accessed that data bank
18 and was left open and accessible for you to
19 use?

20 A. I don't -- if I did, I don't
21 recall.

22 Q. So as far as you know, other
23 than someone else going into the system and
24 printing out the finalized complaint
25 report, you never were on that system and

1 A. SCHOOLCRAFT
2 looking at finalized complaint reports?

3 A. To the -- sitting here right
4 now, I don't recall, no.

5 Q. You don't recall ever having
6 that experience?

7 A. I don't, no.

8 Q. Directing your attention to
9 what's been marked Defendant's Exhibit M
10 for identification.

11 MR. KRETZ: Bates numbers are
12 SM-9 through 16.

13 Q. Is that what you have?

14 A. Yes.

15 THE WITNESS: Can I just put
16 the complaint number on the record,
17 what we're looking at right now.
18 Complaint number 2009-081-02522.
19 That's M.

20 Q. Have you reviewed the documents
21 in that exhibit?

22 A. Yes.

23 Q. Okay. Does your handwriting
24 appear anywhere on any of the sheets in
25 that exhibit?

1 A. SCHOOLCRAFT

2 A. Yes, from SM-12 to SM-14.

3 Q. What are those pages where your
4 handwriting appears?

5 A. The first, SM-12 is the first
6 page of the complaint report, scratch.

7 Q. Right.

8 A. SM-13 is the -- I believe
9 that's the third page. The second and the
10 fourth page are not here. There's two
11 pages of the 61 missing -- of the scratch
12 61 missing. The one that lists the
13 property and, I believe the other one would
14 list the perpetrator and the victim.

15 Q. Well, is SM-14?

16 A. SM-14 is a -- it's a -- I can't
17 read what it was called, but to the best of
18 my memory if someone claimed property was
19 stolen, you would attach this form to the
20 61.

21 Q. The copy I have, and maybe it
22 got clipped on yours, it says at the top
23 lose offer stolen property identity theft?

24 A. Yes, that's separate from the
25 61.

1 A. SCHOOLCRAFT

2 Q. I understand. I asked you what
3 the form was.

4 MR. SMITH: Below that it says
5 PD 313-1516.

6 Q. And that's your handwriting on
7 that page, as well, SM-14?

8 A. Yes, sir.

9 Q. And that provides the name of
10 the victim and the property that -- is that
11 correct?

12 A. The perpetrator.

13 Q. The name of the perpetrator and
14 the property that was reported?

15 MR. SMITH: What page are we
16 on?

17 A. No, just the suspect and a
18 description of the suspect.

19 MR. SMITH: What page are we
20 on?

21 MR. KRETZ: SM-14.

22 A. Okay, 14 is a list of the
23 property. I'm sorry.

24 Q. Whose name appears in the upper
25 left in handwriting?

1 A. SCHOOLCRAFT

2 A. Brenda Donaldson.

3 Q. Is that the victim or the
4 perpetrator?

5 A. I believe it's the victim.

6 Q. Do you recall this complaint?

7 A. I believe so, yes.

8 Q. What is it that you recall
9 about it?

10 A. I recall -- after interviewing
11 the victim, after she clearly described
12 basically what's described on the QAD
13 sheet, at that time patrolmen were required
14 to notify a supervisor of an index crime.

15 Q. Let me just -- indicate what
16 you pointed to. You pointed to the first
17 page, the typewritten paragraph?

18 A. The QAD report, I believe
19 that's what she stated to me, and this is
20 one of the incidents, it was an index crime
21 and at that time, I don't know if it was
22 actual policy or unofficial policy, but
23 patrolmen were supposed to notify
24 supervisors if anyone reported an index
25 crime. I believe this was reported to

1 A. SCHOOLCRAFT

2 Sergeant Stukes, to the best of my memory.

3 And Stukes then informed me, like he's
4 informed many officers, if they didn't see
5 anyone take their property, then it's not
6 a -- it's not a crime, it's lost property.

7 Q. You specifically recall that in
8 this instance?

9 A. Yes, sir.

10 Q. All right. So you called
11 Stukes to the scene, is that what you're
12 saying?

13 A. Well, it appears to be I was
14 stationed inside the --

15 Q. Okay.

16 A. Inside the 81 Precinct.

17 MR. SMITH: Wait. Let him
18 finish what he's saying.

19 A. And at the time I was -- I
20 believe that date was before I was
21 modified. Well, I don't know. I'm not
22 sure if I was modified. I'm not sure if I
23 was stationed inside the precinct or not
24 but it appears I'm inside the precinct
25 taking the report and Sergeant Stukes may

1 A. SCHOOLCRAFT

2 have also been inside.

3 Q. What indicates to you that you
4 were stationed inside?

5 A. That it says complaint
6 received, walk in. If I was on patrol it
7 would say, I believe it would say patrol.

8 Q. On page SM-12, is the
9 handwriting that's entered on that page
10 your handwriting?

11 A. Yes.

12 Q. Do you see down below on the
13 lower left-hand side it says "supervisor on
14 scene" and the box is checked no?

15 A. Correct.

16 Q. Is that an indication that
17 there was no supervisor on the scene?

18 A. Yes.

19 Q. Okay. So, does that refresh
20 your recollection as to whether Stukes gave
21 you any direction on how to handle this
22 complaint report?

23 A. Oh, I definitely recall him
24 giving me direction, stating -- after he
25 deemed it wasn't -- after what he was

1 A. SCHOOLCRAFT

2 stating, that it wasn't an index crime.

3 Q. Right.

4 A. That it wasn't what she had
5 told me, then he was not required to be on
6 the scene, so that is why, very possible
7 why I put no, but I did approach him and he
8 told me, like he's told dozens of officers
9 and other sergeants have said this to
10 officers, if they didn't see anyone take
11 their property then it's lost property,
12 something to that effect.

13 Q. So, you recall in this instance
14 that you didn't make that determination on
15 your own, that Stukes directed you to make
16 that determination?

17 A. Correct. And that is an issue
18 I brought up with QAD as to the confusion
19 created by supervisors in the 81 Precinct
20 confusing patrol officers as to what is a
21 crime or how to take the report.

22 Q. Did you sign the scratch copy
23 of the complaint?

24 A. I believe so. Again, at the
25 time I had no reason -- he's -- he was a

1 A. SCHOOLCRAFT

2 sergeant. I didn't believe it was correct
3 but I didn't have any reason to believe it
4 wasn't correct and --

5 Q. So, you believed it was
6 appropriate for you to sign off on this
7 even though it wasn't written up the way
8 you thought it should have been written up?

9 MR. SMITH: Objection to form.

10 A. It was written up the way I was
11 told to write it up.

12 Q. Did you think that was the
13 proper way to write it up?

14 A. I informed Sergeant Stukes what
15 happened. His reason for not letting it
16 become an index crime was that she didn't
17 see anyone take her property. If they
18 didn't see -- if they didn't see them or
19 they can't describe a perp, it's not a
20 larceny.

21 Q. I understand your explanation,
22 but you signed this scratch copy of the
23 report?

24 A. Correct.

25 Q. You indicated on that scratch

1 A. SCHOOLCRAFT
2 copy that there was no supervising officer
3 on the scene and you're telling us now you
4 have a specific recollection that, in fact,
5 there was an officer on the scene and the
6 report was different from what you actually
7 wrote it up to be?

8 MR. SMITH: Objection to form.

9 Q. Is that correct?

10 A. The reason --

11 MR. SMITH: Objection to form.

12 Q. Is that correct? Can you
13 answer my question?

14 A. I'm sorry. What was the
15 question then?

16 Q. You signed the report. You
17 checked off that the supervisor was not on
18 the scene. Now you're telling us that the
19 description you provided in the report was
20 not accurate and the supervisor was on the
21 scene?

22 A. Correct.

23 MR. SMITH: Objection to form.

24 Q. And you considered it
25 appropriate to operate in that fashion, to

1 A. SCHOOLCRAFT

2 act in that fashion?

3 MR. SMITH: Objection to form.

4 A. To act under a supervisor's
5 orders, or what he stated -- this is what
6 brought on me making the report to QAD,
7 this confusion.

8 Q. Did Stukes tell you to check
9 off that there was no supervisor on the
10 scene?

11 A. I don't recall if he
12 specifically said that, no.

13 Q. Okay. Let me direct your
14 attention to Defendants' Exhibit N for
15 identification.

16 MR. KRETZ: These are Bates
17 stamped SM-17 through 30.

18 Q. All set?

19 A. I have N. SM-17 through SM-30.

20 Q. Okay. Just to not confuse.
21 Going back to Defendant's Exhibit M. Do
22 you believe copies of this complaint would
23 have been in your locker in October of '09?

24 A. It's possible.

25 MR. SMITH: Objection to form.

1 A. SCHOOLCRAFT

2 Q. Do you have a recollection of
3 discussing this particular incident
4 addressed in Defendant's Exhibit M with QAD
5 when you went for your first interview
6 there?

7 A. It's possible that's one of
8 them.

9 Q. Well, do you remember or not?

10 A. I do not, no.

11 Q. Is the name familiar to you,
12 Brend Donaldson?

13 A. I think it's Brenda.

14 THE WITNESS: Brenda Donaldson.

15 MR. SMITH: But you've got to
16 answer the question which is.

17 Q. Is the name familiar to you?

18 MR. SMITH: Is it familiar to
19 you, as opposed to reading it off the
20 page.

21 A. No, no, the name as much as the
22 incident or the familiar -- the familial --

23 Q. Familiarity?

24 A. Thank you. Of what I tried to
25 explain to QAD and how --

1 A. SCHOOLCRAFT

2 Q. Okay. But do you remember the
3 specific incident?

4 A. I believe so. I believe it's
5 who I think -- who I'm thinking of in my
6 mind.

7 Q. And do you believe you
8 discussed it with QAD, that incident
9 reflected in Exhibit M?

10 A. I don't recall.

11 Q. Did you make entries in your
12 memo book about these experiences to help
13 you recall what happened?

14 MR. SMITH: Objection to form.

15 A. It's possible.

16 Q. Well, was that your custom?

17 MR. SMITH: Objection to form.

18 A. I wouldn't call it a custom,
19 but it is possible there would be some form
20 of documentation in my activity log.

21 Q. Well, did you ever make a point
22 of recording in your activity log a
23 specific incident like that reflected in
24 Exhibit M, that you're just telling us
25 involved the supervisor telling you to

1 A. SCHOOLCRAFT

2 change the report and indicate it was a
3 different crime than the one you believed
4 was reported?

5 A. Probably not at that time.

6 Q. That time being?

7 A. Of that report.

8 Q. Do you know what time that was?

9 A. May? May, was it May 2009?

10 Q. Okay. So at what point in time
11 did you think that you should make a point
12 of recording such experiences in your memo
13 book or your activity log?

14 A. It would be after several
15 incidents like that that I felt we should
16 have just been putting the statements that
17 the victims were giving into the summary,
18 and I didn't really -- I didn't agree with
19 the -- I don't know, it made sense if they
20 didn't see someone take it, then it's not a
21 crime I guess a little bit that made sense.

22 Q. In May of '09, you had been
23 recording conversations at the 81 for
24 perhaps a year and a half or so; is that
25 right?

1 A. SCHOOLCRAFT

2 A. That sounds right.

3 Q. Approximately. Were you also,
4 at any time during that year and a half, in
5 the habit or was it your custom to enter
6 information on your computer at home about
7 specific experiences you had on the job,
8 like those related to complaint reports
9 that you've been discussing?

10 MR. SMITH: Objection to form.

11 A. No. The only record I would
12 have is if I -- if I had made a note in my
13 activity log or memo book or keep a copy.

14 Q. So you didn't go home and --

15 A. -- of a document.

16 Q. You didn't go home in your
17 computer and create a log of your
18 experience, an Excel spreadsheet or any
19 other kind of log of what you observed and
20 so on?

21 A. No.

22 Q. Directing your attention to
23 Defendant's Exhibit N. Have you reviewed
24 that document?

25 A. I have it now. I recognize the

1 A. SCHOOLCRAFT
2 name. This is the -- this is the incident
3 that Officer Deck told me about. Deck,
4 D-E-C-K. And that's complaint report
5 number 2008-081-06723.

6 Q. What do you claim that Officer
7 Deck told you about this incident?

8 A. I recall him talking about how
9 the job was bullshit and how we're not
10 actually helping victims, and he informed
11 me of this victim that was bleeding from
12 the head and that he was -- that he was
13 told by a supervisor to not take the report
14 as a robbery.

15 Q. Did he tell you what supervisor
16 told him that?

17 A. He informed me that he called
18 the desk and that Sergeant Stukes told him,
19 we can't take another robbery, and he also
20 informed me that Lieutenant Charlson
21 arrived on the scene.

22 Q. And what happened when he
23 arrived on the scene?

24 A. That Lieutenant Charlson
25 reiterated the same thing that Sergeant

1 A. SCHOOLCRAFT

2 Stukes told him.

3 Q. Did you record this
4 conversation with --

5 A. I don't believe so. I never
6 heard that recording.

7 Q. No?

8 A. I don't believe so, no.

9 MR. SMITH: Did you record the
10 conversation, and he was referring to
11 Deck.

12 Q. With Deck, yes.

13 MR. SMITH: He never finished
14 his question.

15 Q. The conversation with Deck you
16 didn't record?

17 A. I don't believe so.

18 Q. Did you make a record of it in
19 any other way, entry in your memo book or
20 anything else?

21 A. I would have to see that memo
22 book.

23 Q. So, does your handwriting
24 appear anywhere in any of the sheets of
25 this exhibit?

1 A. SCHOOLCRAFT

2 A. SM 0029 appears to be my
3 handwriting, writing the complaint number
4 on what looks to be victim Covell's
5 typed-out statement of the actual events
6 that happened.

7 Q. On page SM-21, the words "lost
8 property" are entered in the report
9 classification. Do you know whose
10 handwriting that is?

11 A. I don't know.

12 Q. What did you do upon being told
13 by Deck about this experience?

14 A. I don't recall how much
15 detailed information he gave me. I believe
16 I got more -- oh, I got the location. I
17 think that's how I tracked down the report,
18 and I had one of the ladies in the back
19 assist me in getting the -- I believe I had
20 the electronic printed version of this 61.

21 Q. You had it, you mean you asked
22 someone to print it out for you?

23 A. Correct, and it was based on
24 the location that Deck gave me.

25 Q. So, when did you write the

1 A. SCHOOLCRAFT

2 complaint number on page SM-29?

3 A. I don't recall.

4 Q. After you had the computer copy
5 of the complaint report printed, what did
6 you do?

7 A. I -- I'm not sure when I
8 printed out that version, or if it was --
9 how much time before the QAD report -- or
10 the QAD -- reporting to QAD. I don't
11 recall when I printed it out.

12 Q. Well, what's the date of the
13 occurrence, can you tell from the
14 documents?

15 A. October 23, 2008.

16 Q. When did you --

17 MR. SMITH: The record should
18 reflect the witness is reading from
19 SM-18.

20 Q. Is that consistent with your
21 recollection?

22 MR. SMITH: Is what consistent
23 with your recollection.

24 MR. KRETZ: That that was the
25 date of the occurrence.

1 A. SCHOOLCRAFT

2 A. Sure.

3 Q. How soon after the occurrence
4 did Deck tell you about it?

5 A. I don't -- I don't recall when
6 he told me about it.

7 Q. Do you recall when you --

8 A. I recall where I was when he
9 told me about it.

10 Q. Okay. Where were you?

11 A. I know the corner. The streets
12 escape me right now.

13 Q. You were on foot patrol?

14 A. Yes, we were both on the same
15 corner, and it was raining.

16 Q. That's all right. I don't need
17 that. I just thought if you remember.

18 A. I remember him telling me. I
19 don't remember the date.

20 Q. Do you have any recollection of
21 how long after the incident it was,
22 approximately; a week, a month, six months?

23 A. No, not sitting here right now,
24 no. Not without any --

25 Q. Do you have any recollection of

1 A. SCHOOLCRAFT

2 when you asked for a copy of the printout
3 of the complaint report or for the
4 complaint number?

5 A. It would have been fairly
6 recent after that.

7 Q. And then what did you do with
8 that information after you got it?

9 A. I would have kept a copy, the
10 electronic copy, and it was probably in my
11 locker and that's one of the documents that
12 I reviewed when I decided to go to QAD,
13 when they contacted me.

14 Q. And you did nothing more about
15 that complaint until that time?

16 A. Oh, I believe I contacted the
17 complainant, Timothy Covell.

18 Q. How did you do that?

19 A. His phone number is on the
20 complaint.

21 Q. Okay. And did you reach him on
22 the telephone?

23 A. I reached his parents, I
24 believe, and then they -- they either gave
25 him a message or they gave me another phone

1 A. SCHOOLCRAFT

2 number to contact him with.

3 Q. Did you exchange e-mails with
4 him, by any chance?

5 A. I don't recall exchanging
6 e-mails with him but it's possible. That's
7 possible how I got the written statement.

8 Q. What written statement did you
9 get?

10 A. I mean, not written statement.
11 The typed-out statement.

12 Q. That was something you --

13 A. Of his version of the events.

14 Q. That was something you obtained
15 on your own?

16 A. Yes.

17 Q. On your own?

18 A. What do you mean on your own?

19 Q. Well, he reached out to you and
20 he provided it to you?

21 A. Correct.

22 Q. Did you encourage him to
23 provide you with such a statement?

24 A. I asked him if he could write
25 out what actually happened, yes.

A. SCHOOLCRAFT

1
2 Q. Did you tell anybody you were
3 doing this?

4 A. No, I did not.

5 Q. What did you do with that
6 statement once you received it?

7 A. I put it in his folder and then
8 in my locker.

9 Q. Does discussing --

10 A. With the other pile.

11 Q. Does discussing this refresh
12 your recollection as to how soon after the
13 incident you did all this?

14 A. What incident, of him being
15 robbed or being told it?

16 Q. The initial complaint. How
17 soon --

18 A. His complaint.

19 Q. Yes, his initial complaint.

20 How soon after that were you in touch with
21 him?

22 A. I don't remember.

23 Q. You don't remember when he
24 provided you with his statement?

25 A. It would have been after Deck

1 A. SCHOOLCRAFT

2 told me about it.

3 Q. But you can't do better than
4 that? A week, a month?

5 A. Well, I don't even remember
6 when -- when Deck told me, you know, the
7 specific date.

8 Q. Do you have any entry, any
9 record anywhere, in an activity log?

10 A. It's possible. It's possible.

11 Q. How did you get the statement
12 from --

13 MR. SMITH: Wait. Slow down.
14 I know it's late. I know we're at
15 the third day, the end of the day.
16 Please, take your time. Let him ask
17 his whole question and then give an
18 answer. Okay?

19 Q. After Deck told you, do you
20 believe you made an entry in your activity
21 log?

22 A. It's possible but I don't
23 remember.

24 Q. After you spoke with
25 Mr. Covell, how did he get his statement to

1 A. SCHOOLCRAFT

2 you that is included in this exhibit?

3 A. It's possible he e-mailed it to
4 me.

5 Q. So you think you might have
6 received an e-mail from him?

7 A. Correct.

8 Q. Do you think you sent any
9 e-mail messages to him?

10 A. That's possible.

11 Q. What e-mail address were you
12 using at the time?

13 A. That would have been the Time
14 Warner cable address.

15 Q. Did you have an e-mail address
16 you could use at the precinct, or a
17 department e-mail address?

18 A. Not that I'm aware of, no.

19 Q. You never used any
20 NYPD-provided e-mail address?

21 A. Not that I'm -- not that I
22 recall, no. I don't recall having one
23 assigned to me or requesting one.

24 Q. How many times did you speak
25 with Covell?

1 A. SCHOOLCRAFT

2 A. I think I met him in person
3 twice, and I may have talked to him on the
4 phone three times, maybe more.

5 Q. So, you met him in person after
6 Deck told you what had happened?

7 A. Correct.

8 Q. Did you consider this activity
9 on your part to be part of your duties and
10 responsibilities as a police officer?

11 A. Yes.

12 Q. Did you consider your
13 responsibility to report to anybody what
14 you were doing?

15 A. Yes.

16 Q. Who did you report it to?

17 A. QAD.

18 Q. Well, you reported it to QAD
19 when, in October of 2009?

20 A. Correct.

21 Q. And from October 2008 until
22 then, you hadn't reported it to anybody?

23 MR. SMITH: Whoa. Don't answer
24 that question.

25 You've already gone around this

1 A. SCHOOLCRAFT

2 how many times about when this thing
3 happened when he spoke to Deck. He's
4 already told you he doesn't remember
5 those dates.

6 MR. KRETZ: All right. Come
7 on, please.

8 MR. SMITH: No, you, please.
9 If you're going to badger the witness
10 with those kind of questions we'll
11 come to a close.

12 MR. KRETZ: We're not
13 badgering. We're trying to figure
14 out what he recalls.

15 Q. This is a significant incident
16 in your mind, right?

17 A. Yes.

18 Q. Something you were very
19 compelled to follow up to get the report
20 generated by the supposed victim and report
21 it to QAD and you can't tell me when you
22 did all of that?

23 MR. SMITH: Don't raise your
24 voice, please.

25 MR. KRETZ: I was just trying

1 A. SCHOOLCRAFT

2 to talk over you because I couldn't
3 get a question out.

4 MR. SMITH: I object to the
5 form of the question.

6 A. Like I said, I think it was
7 yesterday. I did not know what QAD was
8 until I showed up at Gold Street and
9 Lieutenant Brill explained to me off the
10 record or on the record -- I believe he
11 explained it on the recording, also, that
12 they were who you report something like
13 this to.

14 Q. You knew what IAB was, right?

15 A. Yes.

16 Q. Did it ever occur to you that
17 something like this could be reported to
18 IAB?

19 A. Absolutely. That's who I was
20 thinking to report this pattern to.

21 Q. But until October 2009 it never
22 occurred to you actually do that?

23 A. I'm not sure -- I may have
24 found out in October 2009.

25 Q. That's what I'm trying to find

1 A. SCHOOLCRAFT

2 out. You don't recall?

3 A. But I don't believe it was
4 right away because I had his -- this case,
5 the Timothy Covell case was what compelled
6 me to look into other -- because I knew
7 there were more, I just didn't know how to
8 find them and that's what I reported, the
9 pattern.

10 Q. After you found out about the
11 Timothy Covell case and you realized in
12 your mind it was a pattern, what did you do
13 to track down the other incidents that you
14 believed you knew about?

15 A. Listened to other officers.
16 That's it, listened to other officers and
17 what they say and incidents of my own.

18 Q. Did you approach particular
19 officers and ask them about incidents you
20 had already heard about, that is after the
21 Covell case came to your attention?

22 A. That's possible.

23 Q. Do you have any recollection of
24 doing that after --

25 A. No.

1 A. SCHOOLCRAFT

2 Q. -- learning about the Covell
3 case? You didn't actually approach anybody
4 to ask about an incident you had already
5 had heard about, is that right?

6 A. It's possible but I don't
7 remember.

8 Q. Well, the way you express your
9 reaction to the Covell case was that it
10 caused you to focus on what you already
11 understood to be a number of incidents that
12 had already occurred, right? So I'm trying
13 to find out. This is all by way of trying
14 to refresh your recollection whether that
15 triggered you, you know, to reach out to
16 people who you knew to be involved in past
17 incidents to find out what happened; do you
18 recall doing that or not?

19 A. No.

20 Q. When you say you listened to
21 officers, what does that mean, from that
22 point forward, after learning about Covell,
23 you listened to see if something like that
24 happened again, is that what you mean?

25 A. And before. I listened to

1 A. SCHOOLCRAFT

2 officers before, not for any specific
3 event.

4 Q. I understand you listened to
5 them before, the question is did you
6 approach the ones you had heard of before,
7 did you approach the officers involved in
8 the incidents you had heard of before you
9 learned of Covell?

10 A. It's possible but I don't
11 remember.

12 Q. All right. So after you
13 learned of Covell, you said you listened to
14 officers and you just said again you
15 listened to them afterward. Do you recall
16 approaching any officers that you heard
17 mention of some incident involving
18 complaint reports that you thought you
19 should follow up on?

20 A. Sitting here right now, I do
21 not have any recollection of any specific
22 event that you just asked about.

23 Q. Do you believe you did that?

24 A. I believe -- I -- I don't
25 recall how I -- how I collected the other

1 A. SCHOOLCRAFT

2 ones, but it would be similar to that.

3 Q. So, you indicated, though, that
4 you listened to what officers said. Based
5 upon what you heard what other officers
6 said, did you follow up without approaching
7 them?

8 A. Follow up besides approaching
9 them.

10 Q. Yes. In other words, you heard
11 them you talking about something, did you
12 then take it upon yourself to figure out
13 what they were talking about and follow up
14 somehow based upon what you found?

15 A. Like this one.

16 Q. Yes, like Covell?

17 A. Possibly, yes. I believe --

18 Q. Well, do you remember doing
19 that or not?

20 A. I don't recall any specific
21 incident, but --

22 Q. Do you recall any other
23 incident, after you learned of Covell,
24 where you asked someone to pull a formal
25 computerized complaint report, the final

1 A. SCHOOLCRAFT

2 report, so you could follow up as you did
3 with Covell?

4 A. Other than Covell, do I have a
5 memory of a specific incident, no, I don't.
6 I do not. Not sitting here right now.

7 Q. Do you know if you had followed
8 up and you had gotten copies of the
9 complaint reports and the related scratch,
10 if you were able to get those, where you
11 had those documents in October of 2009?

12 A. Say that again. I got lost.

13 Q. If you followed up and gathered
14 copies of the complaint reports, the final
15 one, the scratch one, whatever you could
16 get and you thought it deserved further
17 attention from you, where did you keep the
18 copies that you accumulated?

19 A. In my locker.

20 Q. And do you believe that
21 whatever complaint reports you had in your
22 locker that you thought deserved that kind
23 of follow-up, you then brought to the
24 attention of QAD?

25 A. I believe so, yes.

1 A. SCHOOLCRAFT

2 Q. Directing your attention to
3 Defendant's Exhibit O, Bates stamped SM 31
4 through 40. Could you please review that.
5 (6:03 p.m., evening session.)

6 THE WITNESS: Complaint report
7 number 2009-081-05194.

8 Q. By the way, Mr. Schoolcraft, I
9 don't know that anybody's asked you this
10 question. Have you been recording any of
11 these sessions of your deposition?

12 MR. SMITH: Don't answer that
13 question.

14 MR. KRETZ: No, he's got to
15 answer that.

16 MR. SMITH: Don't answer the
17 question.

18 MR. KRETZ: No. That's a fair
19 question.

20 Q. Do you have a recorder on you?

21 A. No.

22 Q. Defendant's Exhibit O. Do you
23 recall the incident that's reflected in
24 those documents?

25 A. No.

1 A. SCHOOLCRAFT

2 Q. Does your handwriting appear
3 anywhere on any of those pages?

4 A. No, I don't believe so.

5 Q. Your handwriting doesn't appear
6 on there and you don't recall the incident?

7 A. It doesn't look familiar, no.

8 Q. And the name Juan Lord doesn't
9 sound familiar to you?

10 A. No. Sitting here right now, I
11 don't recall.

12 Q. So you don't have any
13 recollection of discussing this with QAD?

14 A. No, I would have to review the
15 recording.

16 MR. KRETZ: Off the record.

17 (Whereupon, a discussion was
18 held off the record.)

19 Q. On to the next report.

20 MR. SMITH: The last report.

21 MR. KRETZ: Defendant's Exhibit
22 P for identification.

23 MR. SMITH: Which is SM 41
24 through 60.

25 MR. KRETZ: Yes.

1 A. SCHOOLCRAFT

2 THE WITNESS: This is the last
3 part. This is the back.

4 MR. SMITH: Oh, wait a minute.
5 That's your copy. Go ahead.

6 Q. Have you had a chance to review
7 the document?

8 A. Wait. What one am I on?

9 MR. SMITH: P. SM-41, 41
10 through 60.

11 Yes. And here's the actual
12 sticker copy (handing).

13 Q. Do you recall the complaint
14 that these documents relate to?

15 A. I do.

16 Q. Does your handwriting appear on
17 any of the sheets in this exhibit?

18 A. Yes.

19 Q. Please tell us what pages.

20 A. SM 0044 through SM 0053.

21 Q. Do you recognize the
22 handwriting on 54 and 55?

23 A. And I'm sorry, SM 0057 and 58.
24 That's it.

25 Q. Do you recognize the

1 A. SCHOOLCRAFT

2 handwriting on 54 and 55?

3 A. No.

4 Q. Do you recall when this
5 complaint was originally taken?

6 A. I can look on the date.

7 Q. Well, let me direct your
8 attention to SM-44. On the top of that
9 sheet, which is a complaint report
10 worksheet or a scratch copy, it says in
11 handwriting on the top "first report?"

12 A. Correct.

13 Q. Who wrote that?

14 A. Me.

15 Q. Did you take the original
16 complaint on this incident?

17 A. Yes.

18 Q. Did you then prepare a second
19 scratch copy of the complaint?

20 A. Sergeant Stukes --

21 Q. Hold on. Let's just identify
22 it and then you can tell us what happened.

23 A. Correct.

24 Q. SM-46 is a scratch copy. On
25 top it says "second report"?

600

1 A. SCHOOLCRAFT

2 A. Where does it say second
3 report, which one?

4 Q. It's in handwriting on the top
5 of page SM-46, do you see it?

6 A. Yes, I see it.

7 Q. Is that your handwriting?

8 A. Yes.

9 Q. And then there's a third
10 complaint report prepared further back in
11 the exhibit. You tell me, is that so on
12 SM-50?

13 A. SM-050, yes, correct.

14 Q. That's your handwriting again?

15 A. Yes.

16 Q. And that's the third scratch
17 copy prepared?

18 A. At least. I believe it's the
19 third. The third one that I did.

20 Q. Can you explain to us why you
21 prepared three scratch copies?

22 A. After responding to this call,
23 I took a report for robbery. I can't
24 recall if I was called to the desk or --
25 any index crime needs to be turned in and

1 A. SCHOOLCRAFT

2 entered into the computer immediately, so
3 given to the ladies in the back. Sergeant
4 Stukes informed me that -- he said, we
5 can't take a robbery, so he -- he -- I'm
6 not exactly sure what he wanted me to --
7 how the second report came about, but he
8 wasn't happy with that one, either, but the
9 first report is the one I hand delivered
10 to, I believe it was -- his name might be
11 in here. I hand delivered it upstairs to
12 the detective squad, the original report.

13 Q. Let me stop you there. So, you
14 prepared the original scratch report and
15 you took it to the people upstairs. Who
16 were they?

17 A. The detective squad. It was a
18 black detective. I can't think of his name
19 off the top of my head right now.

20 Q. Why did you do that?

21 A. I believe that was the
22 procedure at the time. A robbery was a big
23 deal.

24 Q. Before you tell me what
25 happened up there, who were the ladies in

1 A. SCHOOLCRAFT

2 the back that you referred to?

3 A. They are PAA's, the civilians
4 that do administrative work inside the
5 department.

6 Q. Where do they sit?

7 A. In the -- behind where the 81
8 desk is.

9 Q. So, when we are at the site
10 visit for the 81, there was the telephone
11 switchboard, operator desk?

12 A. Right. Directly behind that.

13 MR. SMITH: Slow down. Let him
14 ask his question.

15 Q. He explained. Directly behind
16 that desk?

17 A. Correct.

18 Q. What's the function of the
19 people that sit in that room?

20 A. They enter -- these reports --
21 they enter these reports into the computer.
22 They enter aided cards. They enter missing
23 person reports into the computer, numerous.

24 Q. Is that room referred to in any
25 other way, other than the ladies in the

1 A. SCHOOLCRAFT

2 back?

3 A. Yeah, by a number but I can't
4 remember.

5 Q. 124?

6 A. There you go.

7 Q. So you prepare the scratch
8 copy, and what role did the people in the
9 124 room play? You bypassed them, is that
10 what you're saying and went directly to the
11 detective squad?

12 A. No. This I went to my
13 supervisor, who is Sergeant Stukes on the
14 desk.

15 Q. Right.

16 A. (Continuing) and he informed me
17 we can't take a robbery, this is -- oh, I
18 don't think they acted in actually taking
19 the PSP, that's why he told me it wasn't a
20 robbery and it was just an assault.

21 Q. The PSP is what?

22 A. I believe it's a little game
23 player.

24 Q. Play Station, is it Play
25 Station?

1 A. SCHOOLCRAFT

2 A. Something like that. And the
3 second report I believe --

4 Q. Wait. I want to find out what
5 you did with that first report. So, you
6 spoke to Stukes. Then what happened?

7 A. He said it's not a robbery.

8 Q. Right.

9 A. (Continuing) if -- wait a
10 minute, it's not a robbery if they didn't
11 actually get the property. Oh, I think
12 attempted. He told me there was no such
13 thing as an attempted robbery. Someone
14 either gets robbed or they don't.

15 Q. Then, what did you do after he
16 told you that?

17 A. I believe I made a copy of the
18 report before I approached him. So, I had
19 a copy of the scratch -- the original
20 scratch.

21 Q. Well, that's what I'm asking
22 about, the original one. So let's
23 distinguish. You prepare the original one.
24 You speak to Stukes?

25 A. Yes.

1 A. SCHOOLCRAFT

2 Q. He tells you what you just told
3 us he said. Then what did you do?

4 A. Basically it's filled out
5 properly. He told me it wasn't a robbery.

6 Q. Then what did you do?

7 A. So I filled out a second
8 report.

9 Q. That first one you didn't give
10 to anybody after Stukes said what he said?

11 A. The first one I took upstairs,
12 the original one I took upstairs to the
13 detective squad and I informed them of what
14 Sergeant Stukes told me.

15 Q. What did they say to you?

16 A. Something like, typical, or
17 something to that effect.

18 Q. And then what happened?

19 A. And then --

20 Q. Did you leave that scratch copy
21 with them?

22 A. Yes. I believe that was an
23 original.

24 Q. Okay. And then what happened
25 with respect to that complaint?

1 A. SCHOOLCRAFT

2 A. When I took this to QAD, the
3 detective I gave it to --

4 Q. No, what happened to that
5 complaint when you went up to the detective
6 squad?

7 A. I gave it to a detective.

8 Q. Okay. And then what happened
9 with respect to that complaint after you
10 gave it to the detective?

11 A. I assume he worked it. I don't
12 know.

13 Q. How did it come about then that
14 you wrote a second scratch copy?

15 A. At the behest of Sergeant
16 Stukes, and he wasn't happy with the second
17 one because it described a, I think a --
18 like an assault one or something, I'm not
19 sure, but it ended up he was happy with the
20 third one, assault three.

21 Q. All right. I want to take it
22 one at a time, okay. So, on the first
23 one -- this was a walk-in?

24 A. No. I don't believe so. I
25 recall showing up at this one.

1 A. SCHOOLCRAFT

2 Q. Did Stukes show up at the
3 scene, as well?

4 A. No.

5 Q. So this is only when you came
6 back to the 81 that he saw it?

7 A. I believe he called -- right.
8 No supervisor on scene. I believe he
9 called me to the 8 -- back into the house
10 or -- no, I had to -- once I'm aware a
11 robbery happened, I have to turn -- this
12 has to be entered into the computer. I'm
13 aware of that. A grand larceny, auto
14 robbery, rape.

15 Q. Does that mean you went right
16 from the scene back to the precinct or did
17 you turn it in at the end of your tour?

18 A. No, it would have been after
19 that incident.

20 Q. So you went right in?

21 A. Correct.

22 Q. You show it to Stukes. Take it
23 to the detective squad. They say typical.

24 A. He --

25 Q. And then what? When do you

1 A. SCHOOLCRAFT

2 hear from Stukes that you have to rewrite
3 the scratch?

4 A. I'm sorry, what you're saying
5 implied that Stukes told me to go to the
6 squad. He didn't.

7 Q. I'm sorry, I didn't mean that.

8 A. I went up there on my own.

9 Q. When did you hear from Stukes
10 that you should write a second scratch copy
11 on have that report, how soon after?

12 A. As soon as I showed it to him.

13 Q. You turned in the first scratch
14 copy to the detective squad after Stukes
15 told you to prepare a second scratch copy?

16 A. I informed the detective squad
17 that this is -- I don't know if they
18 received the changed one, but I said, this
19 is what happened. Sergeant Stukes is
20 saying there are no attempted robberies and
21 I believe it was Detective White that I
22 handed it to.

23 Q. All right. I'm just trying to
24 get the order of things. You prepared the
25 first scratch copy?

1 A. SCHOOLCRAFT

2 A. Right.

3 Q. You show it to Stukes. Stukes
4 says you can't write it up that way. You
5 said you then took it up to the detective
6 squad. Is that the order of things so far?

7 A. Yes. I believe, to the best of
8 my memory, yes.

9 Q. Had you yet prepared the second
10 scratch copy?

11 A. I don't remember.

12 Q. So, do you remember going back
13 to the detective squad with a second
14 scratch copy?

15 A. No, I do not remember doing
16 that.

17 Q. And do you recall how long
18 after you showed the first scratch copy to
19 Stukes that you prepared the second scratch
20 copy?

21 A. It would have been -- it was at
22 that time. He offered to do it himself.

23 Q. Okay. But you didn't take it
24 up to the detective squad at that time?

25 MR. SMITH: The second one.

1 A. SCHOOLCRAFT

2 Q. The second one?

3 A. I didn't take any of the
4 previous ones. I believed the first one to
5 be -- I don't -- I don't recall asking the
6 detective, you know, if the property isn't
7 taken is it still a robbery? It was an
8 attempted robbery.

9 Q. So, you prepared a second
10 scratch copy to satisfy Stukes. Did you
11 ever take that second scratch copy to the
12 detective squad?

13 A. Not to satisfy Stukes. He told
14 me there's no such thing as an attempted
15 robbery, this is not an attempted robbery
16 is what he said.

17 Q. So you prepared a second --

18 A. He told me I did the report
19 wrong.

20 Q. Okay. So you prepared a second
21 scratch copy in order to prepare it
22 correctly?

23 A. It was an attempt, correct.

24 Q. Did you ever take that second
25 scratch copy up to the detective squad?

1 A. SCHOOLCRAFT

2 MR. SMITH: Asked and answered.

3 A. I don't believe so, no.

4 Q. What did you do with that
5 second scratch copy?

6 A. Gave it to Sergeant Stukes at
7 the desk.

8 Q. And then what happened?

9 A. I -- he -- well, there was a
10 third one, I don't recall --

11 Q. What happened with the second
12 one, you showed it to Stukes?

13 A. Seeing that there's a third
14 one, I don't -- he was not -- well, robbery
15 was the charge.

16 Q. The question is what do you
17 remember happening when you handed the
18 second one?

19 A. I left it attempted robbery
20 until he -- and again I was probably
21 admonished for, you know, not doing a
22 proper report.

23 Q. What do you remember happening
24 when you handed the second scratch copy to
25 Stukes?

1 A. SCHOOLCRAFT

2 A. He then said, this is still a
3 robbery, something to that effect.

4 Q. Okay. And then what did you
5 do?

6 A. Then I did a third report as
7 assault three.

8 Q. So you took back that second
9 report from him and then you prepared a
10 third one?

11 A. Correct.

12 Q. What happened with the third
13 one?

14 A. I don't -- I don't know if
15 there was a fourth one. I think he
16 accepted the assault three because there
17 was an assault that was completed. The
18 aided to go to the hospital, aided card was
19 prepared.

20 Q. Okay. So the third one. Let's
21 see if we can identify it in the exhibit.
22 Does that start at page SM-50?

23 A. Right.

24 Q. Does that indicate when it was
25 prepared?

1 A. SCHOOLCRAFT

2 MR. SMITH: Did you hear the
3 question?

4 A. I don't understand the
5 question.

6 Q. Does that third copy of the
7 scratch report indicate when you prepared
8 it?

9 A. 1800, January -- December 5th,
10 2008.

11 Q. So, were all three reports
12 prepared on the same day?

13 A. They appear to be, yes.

14 MR. SMITH: The record should
15 reflect the witness was just looking
16 at SM-44, 46 and 50.

17 Q. Does your signature appear
18 anywhere on any of these documents? And
19 let me direct your attention to 53.

20 MR. SMITH: So, is the question
21 a signature on 53 his?

22 MR. KRETZ: That's another way
23 of asking the same question.

24 MR. SMITH: A better one, I'd
25 say.

1 A. SCHOOLCRAFT

2 A. Just 53 right now?

3 Q. Yes. Well, there and anywhere
4 else you see it?

5 A. 53 appears to be my signature.

6 Q. Does it indicate when you
7 signed?

8 MR. SMITH: On 53?

9 MR. KRETZ: Yes.

10 A. It would have been the date of
11 the report.

12 Q. Okay. That's the date of the
13 third report, which is the same as all the
14 others.

15 Where else does your signature
16 appear?

17 A. SM 0049.

18 Q. And that's at the end of the
19 second report?

20 A. No. Where was the first one?
21 I only see two signatures.

22 Q. So, you didn't sign the first
23 scratch copy but you signed the next two.
24 What happened after you prepared the third
25 one?

1 A. SCHOOLCRAFT

2 A. Wait. I don't -- I don't see
3 where you're getting that I didn't sign the
4 first one. I don't -- we don't see -- we
5 don't have the signature copy of the first
6 one.

7 Q. Okay. All right.

8 A. I assume -- I assume it was
9 signed, like the other two.

10 Q. What happened after you handed
11 up the third scratch copy?

12 A. Then I believe it was
13 acceptable to him as a completed assault
14 three.

15 Q. And then did you have any
16 further involvement with this complaint
17 after that?

18 A. I believe this is one of the
19 complaints I reported to QAD.

20 Q. Did you have any contact with
21 the victim?

22 A. No. There was a -- there was a
23 language barrier.

24 (Continued next page to include
25 jurat.)

616

1 A. SCHOOLCRAFT

2 Q. Do you know whether the
3 detectives in the 81 interviewed the
4 victim?

5 A. I'm not aware, no.

6 MR. KRETZ: All right. I have
7 no further questions. Thank you.

8 (Whereupon, at 6:30 P.M., the
9 Examination of this Witness was
10 concluded.)
11
12

13 ADRIAN SCHOOLCRAFT

14
15 Subscribed and sworn to before me
16 this _____ day of _____ 20____.

17
18 NOTARY PUBLIC
19
20
21
22
23
24
25